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FILED
JUL - 7 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SLM

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,

CV 08 Case No.

325 2

13 v.

COMPLAINT
(Student Loan\Debt Collection Case)

14 JULIE McELHANEY aka JULIE ANN McELHANEY,
15 Defendant(s).

16 Plaintiff, through its attorney, alleges:

17 1. Jurisdiction: The Court has jurisdiction of this action under 28 U.S.C. Section 1345.

18 2. Defendant resides in the Northern District of California.

19 **FIRST CAUSE OF ACTION**

20 3. Defendant owes plaintiff \$22,527.03, plus additional interest and costs according to the
21 Certificate of Indebtedness, a copy of which is annexed hereto as Exhibit A.

22 **SECOND CAUSE OF ACTION**

23 4. Defendant owes plaintiff \$25,719.66, plus additional interest and costs according to the
24 Certificate of Indebtedness, a copy of which is annexed hereto as Exhibit B.

25 WHEREFORE, plaintiff demands judgment against defendant for the sum of \$48,246.69,
26 additional interest to the date of judgment, attorney's fees in the amount of 33% of the
27 debt, and court costs.

28 Date: June 25, 2008


LAW OFFICE OF MICHAEL COSENTINO
By: MICHAEL COSENTINO
Attorney for the Plaintiff
United States of America

U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS 1 of 2

Julie McElhaney
aka Julie Ann McElhaney
18690 Spyglass Rd
Hidden Valley Lake, CA 95467
Account Number: 4414

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 11/28/07.

On or about 02/24/04, the borrower executed a promissory note to secure a Direct Consolidation loan from the U.S. Department of Education. The loan was disbursed for \$23,782.40 on 03/22/04 at 4.38 percent interest per annum. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et. seq. (34 CFR Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 10/18/06.

The Department has credited a total of \$2,663.21 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal	<u>\$22,527.03</u>
Interest:	<u>\$1,868.88</u>
 Total debt as of <u>11/28/07</u> :	 <u>\$24,395.91</u>

Interest accrues on the principal shown here at the rate of 2.70 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 11/15/08


Roberto Francisco
Loan Analyst
Litigation Senior Loan Analyst

EXHIBIT A

U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS 2 of 2

Julie McElhaney
aka Julie Ann McElhaney
18690 Spyglass Rd
Hidden Valley Lake, CA 95467
Account Number: 4414

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 11/28/07.

On or about 02/24/04, the borrower executed a promissory note to secure a Direct Consolidation loan from the U.S. Department of Education. The loan was disbursed for \$27,082.51 on 09/09/04 at 4.38 percent interest per annum. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et. seq. (34 CFR Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 10/18/06.

The Department has credited a total of \$2,883.21 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

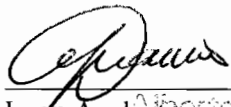
Principal	<u>\$25,719.66</u>
Interest:	<u>\$2,133.75</u>

Total debt as of <u>11/28/07</u> :	<u>\$27,853.41</u>
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Interest accrues on the principal shown here at the rate of 3.08 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 1/15/08



Loan Analyst Alberto Francisco
Litigation Senior Loan Analyst

EXHIBIT B